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5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**  
 7 **DISTRICT OF NEVADA**

8 In re:  
 9 USA Commercial Mortgage Company,  
 10 USA Capital Realty Advisors, LLC,<sup>1</sup>  
 11 USA Capital Diversified Trust Deed Fund,  
 12 LLC,  
 13 USA Capital First Trust Deed Fund, LLC,<sup>2</sup>  
 14 USA Securities, LLC,<sup>3</sup> Debtors.

Case No. BK-S-06-10725-LBR<sup>1</sup>  
 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**STATUS AND AGENDA FOR  
 DECEMBER 16, 2008 HEARINGS**

Hearing Date: December 16, 2008  
 Hearing Time: 9:30 a.m.  
 10:30 a.m.

15 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

21 **Agenda for 9:30 a.m.**

22 1. **Amended Complaint:** 06-01212-lbr, Binford Medical Developers, LLC et  
 23 al v. Compass Financial Partners LLC et al

25 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

26 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.



**Amended  
Complaint Filed:** Amended Complaint Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC against COMPASS FINANCIAL PARTNERS LLC [DE 80]

9/12/07

**Answer Filed:** Answer to Amended Complaint [DE 89]  
10/05/07

**Counterclaim Filed:** Counterclaim by COMPASS FINANCIAL PARTNERS LLC against BINFORD MEDICAL DEVELOPERS, LLC [DE 91]

**4/11/2008      Stipulation and Order Dismissing FIDELITY NATIONAL TITLE COMPANY with Prejudice [DE 123]**

**Status** Continued from 12/14/07, 1/11/08, 2/4/08, 2/14/08, 4/17/08, and 5/8/08.

2. **Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

**Objection filed:** Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the amount of filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]  
12/11/2006

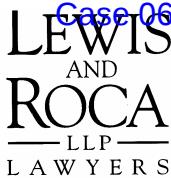
**Status** Awaiting resolution of settlement with Compass Financial Partners

3. **Motion to Release Funds from Court Registry and Turnover to Rightful Owners:** 06-01146-lbr, USA Commercial Mortgage Company v. Wells Fargo Bank, N.A. et al

**Motion Filed:** Motion to Release Funds from Court Registry *and Turnover to Rightful Owners* Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 166]  
10/28/08

**Status** No objections filed. Counsel will request entry of the order.

**4. Motion to Release Funds from Court Registry and Certificate of Service:**  
06-01146-lbr, USA Commercial Mortgage Company v. Wells Fargo Bank, N.A. et al



1      **Motion Filed:**      Motion to Release Funds from Court Registry *and Certificate of*  
 2      11/12/08      *Service* Filed by JOHN HINDERAKER on behalf of USACM  
 3      LIQUIDATING TRUST [DE 169]

4      **Declaration Filed:**      Declaration Of: John Hinderaker *in Support of Motion for Release*  
 5      11/12/08      *of \$100,000 Held in Court Registry* Filed by JOHN  
 6      HINDERAKER on behalf of USACM LIQUIDATING TRUST  
 7      [DE 170]

8      **Status**      No objections filed. Counsel for USACM Trust has been  
 9      contacted by attorneys for Compass Partners, LLC and Silar  
 10      Advisors LP. Compass and Silar may appear through counsel to  
 11      make claim to the \$100,000 or either may request a continuance.

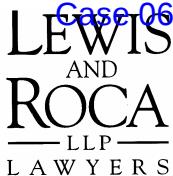
12      5.      **Order to Show Cause:** 07-01105-lbr, Compass USA SPE LLC et al v.  
 13      USA Capital Diversified Trust Deed Fund, LLC et al, [DE 23]

14      **Complaint Filed:**      Complaint *For Conditional Revocation of Confirmation Order*  
 15      07/07/07      *Under 11 U.S.C. Sec. 1144 and Rescission of Asset Purchase*  
 16      *Agreement* Filed by COMPASS USA SPE LLC, COMPASS  
 17      FINANCIAL PARTNERS LLC, et al. [DE 1]

18      **Motion Filed:**      Motion to Dismiss Adversary Proceeding *Pursuant to Federal*  
 19      07/27/07      *Rule of Civil Procedure 12(b)(6)* Filed by SHLOMO S.  
 20      SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY  
 21      SECURITY HOLDERS OF USA CAPITAL FIRST TRUST  
 22      DEED FUND, LLC, the Authorized Representative of USA  
 23      CAPITAL FIRST TRUST DEED FUND, LLC [DE 7]

24      **Order Filed:**      Order to Show Cause why this adversary should not be dismissed  
 25      11/24/08      for failure to serve the defendants within 120 days of the filing of  
 26      the complaint [DE 23]

27      **Status**      The following defendants have been dismissed: USA Commercial  
 28      Mortgage Co.; USA Securities, LLC; USA Capital Realty  
 29      Advisors, LLC; and USA Capital First Trust Deed Fund, LLC.  
 30      USA Capital Diversified Trust Deed Fund, LLC has not been  
 31      served. The individual defendants have not been served. No  
 32      response was filed to the Order to Show Cause.



1 **Agenda for 10:30 a.m.**

2  
3 1. **Scheduling Conference:** Adv. 08-01119-lbr, USACM Liquidating Trust v.  
RUSSELL et al

4  
5 **Complaint Filed:** Adversary case 08-01119. Complaint *USACM LIQUIDATING*  
4/11/08 *TRUST'S ORIGINAL COMPLAINT, CLAIM OBJECTIONS, AND*  
*COUNTERCLAIMS*

6  
7 **Answer Filed:** Answer to Complaint *Defendants' Answers to USACM*  
6/30/08 *Liquidating Trust's Original Complaint, Claim Objections, and*  
*Counterclaims with Certificate of Service* (Related Doc # [1](#)) Filed  
by SUSAN WILLIAMS SCANN on behalf of BG/93  
INVESTMENTS, LLC, BOISE/GOWEN 93, LLC et al. [DE 38]

8  
9 **Joint Discovery**  
10 **Plan Filed:** *Joint Discovery Plan* Filed by ERIC D. MADDEN on behalf of  
11 USACM LIQUIDATING TRUST [DE 39]

12 **Order Filed:** Order Re Scheduling Conference. Scheduling Conference  
9/10/08 scheduled for 12/16/2008 at 10:30 AM at LBR-Courtroom 1,  
Foley Federal Bldg. [DE 41]

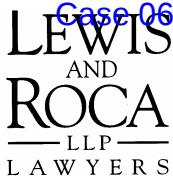
13 **Status** Continued from 8/26/2008. Counsel is ready to proceed with the  
14 scheduling conference.

15  
16 2. **Order Setting Status Hearing:** Adv. 06-01256-lbr, USA Commercial  
17 Mortgage Company et al v. Reale et al

18 **Complaint Filed:** Complaint *Under 11 U.S.C. Sections 544, 548, 550 and NRS*  
19 *112.180* Filed by USA COMMERCIAL MORTGAGE  
20 COMPANY, USA CAPITAL DIVERSIFIED TRUST DEED  
21 FUND, LLC vs. HMA SALES, LLC, SALVATORE REALE [DE  
1]

22 **Order Filed:** Order Setting Status Hearing. [DE 405]  
11/17/08

23 **Status**



1           3. **Scheduling Conference:** Adv. 08-01120-lbr, USACM Liquidating Trust v.  
 2 Gentile De Palma Ltd. et al

3           **Complaint Filed:** *Complaint To Avoid And Recover Pre-Petition Transfers Filed by*  
 4           *USACM LIQUIDATING TRUST vs. GENTILE DE PALMA*  
 5           *LTD. [DE 1]*

6           **Order Filed:** Order Re Scheduling Conference. Scheduling Conference  
 7           scheduled for 12/16/2008 at 10:30 AM at LBR-Courtroom 1,  
 8 Foley Federal Bldg. [DE 14]

9           **Status** Defendant has not filed an answer; USACM Trust will move to  
 10 default

11           5. **Order Setting Prove-Up Hearing:** Adv. 08-01130-lbr, USACM  
 12 Liquidating Trust v. Phillips USA LLC

13           **Complaint Filed:** Complaint Filed by USACM LIQUIDATING TRUST vs.  
 14 PHILLIPS USA LLC [DE 1]

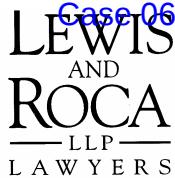
15           **Order Filed:** Order Setting Prove-Up Hearing. Hearing scheduled 12/16/2008  
 16 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 17]

17           **Status** Counsel is ready to proceed. Geoff Berman will offer direct  
 18 testimony via proffer and will be available in the Courtroom for  
 19 any cross examination.

20           Dated December 12, 2008.

21           **LEWIS AND ROCA LLP**

22           By: /s/ RC (#6593)  
 23           Susan M. Freeman, AZ 4199 (*pro hac vice*)  
 24           Rob Charles, NV 6593  
 25           John Hinderaker, AZ 18024 (*pro hac vice*)  
 26           *Counsel for USACM Liquidating Trust*



1 PROOF OF SERVICE

2 COPY of the aforementioned sent via e-  
3 mail or U.S. First Class Mail on  
4 December 12, 2008 to the parties listed on  
Post-Effective Official Service List for  
5 Limited Notice No. 4 Dated January 8,  
2008.

6 /s/ Carrie Lawrence

7 Carrie Lawrence  
8 Lewis and Roca LLP

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